

Osberg v. Foot Locker, Inc., et al., 07-cv-01358 (KBF) (S.D.N.Y.)

**Class's Opposition to Defendants' Motion *in Limine*
to Exclude Testimony of Christopher Maikels**

July 10, 2015

PX235

Author: James Grefig at STMI
Date: 9/15/95 8:34 AM
Priority: Normal
TO: James Cassidy
TO: Christopher Maikels
TO: Donna McNamara
TO: Evan Shapiro
Subject: Statement Tape

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I talked to Marion Durham at Woolworth this morning. I told her we could deliver a statement tape by the end of the month or the first week in October. That leaves them with six weeks 'til the middle of November.

I reminded her that I was making this commitment without knowing what their statement would contain but with the knowledge that there was a finite amount of information to be prepared -- projected benefits, optional forms ...

In addition to the usual projected benefits under the current Plan formula and the CB formula, we are to calculate the amount that needs to be deferred into the (k) Plan by those over age 50 in order for them to have total income from both Plans equal to what the current formula produces. Note, this ignores the fact that the current formula is inadequate.